

HOUSE BILL 465– TESTIMONY OF THE MONTANA NURSES’ ASSOCIATION  
House Education Committee – February 9, 2007

“An act revising the religious and medical exemptions from immunization; providing that a preschool, school or day care that receives tax funds shall accept for attendance persons for whom a religious exemption from immunization is filed”

Introduced by Representative Rick Jore

The Montana Nurses Association urges you to oppose HB 465 as we believe that the provisions of this bill are both unnecessary and dangerous.

Medical exemptions to immunization are already allowed in both schools and child care programs. (Ref. Licensing Requirements for Child Day Care Centers, Family & Group Day Care Homes, ARM 37.95.140, Section (12). Documentation by a medical doctor can exempt a child from any one or all immunizations for a specific or indefinite period of time. This is necessary for an extremely small number of children who may be allergic to a vaccine component or have had a possible reaction to a previous vaccine. This bill does not change those regulations already in place which guarantee these exemptions.

The national standards for out-of-home child care, “Caring for Our Children,” 2002 Edition, are a collection of 707 Standards and recommendations to ensure the health and safety of children in child care in all jurisdictions of the United States. \*Standard 3.005 states that immunizations are important for children in child care because preschool age children currently have the highest age-specific incidence of many vaccine preventable illnesses. \*Standard 3.007 addresses the importance of immunization for child care providers or caregivers, especially those immunizations for measles, mumps, rubella, and varicella (chickenpox) because these vaccine preventable illnesses can cause birth defects.

\*Standard 8.014 in “Caring for Our Children” addresses Documentation of Exemptions. The following specific comment is made in this standard: *“For children incompletely immunized because of religious reasons, the facility may be at legal risk for allowing exposure of that child to increased risk of vaccine preventable infections. Prudent child care providers should discuss with an attorney the liability risk for enrolling a child whose parents refuse to accept immunization of their child for non-medical reasons.”*

In addition to these national standards developed by health professionals, standards have been set by accrediting bodies for child care, such as the National Association for the Education of Young Children. Such groups, representing early childhood professionals, also recommend that all children in child care be immunized against vaccine preventable illness because of their age-specific vulnerable immune status and because group care exposes them to more infections of all kinds.

Supporters of this bill would suggest that this bill is necessary to give parents a “choice” to enroll their unimmunized child (for religious or philosophical reasons) in a child care program. We don’t believe that’s true. Many caregivers provide care in their home (or in an employer’s home) for young children who are not immunized. Parents who choose not to immunize are simply unhappy because their choice not to immunize their children might exclude their child from a particularly fine child care, pre-school or regular education program. However, that decision was made when they chose not to vaccinate their child.

The MNA believes that they should not be entitled to exercise their right of choice at the risk of the health of a whole group of children or their day care providers.

A large number of child care providers are women of child-bearing age and, of course, the mothers of children in child care are also of child-bearing age. These women, if pregnant, are at special risk if exposed to any child contracting a vaccine preventable illness.

Child care providers or caregivers who seek to meet the highest standards of early childhood care, including nationally set standards, and also choose to become licensed or registered, thereby meeting state standards of many kinds (such as protection from fire and drowning) in order to ensure the protection of the group, deserve to protect these groups of young children, and themselves, from the risks of vaccine preventable disease.

We urge you to vote NO on HB 465, because it is not in the best interest of the very young infants, young children, their caregivers in licensed and registered child care or the mothers of children in day care who may be pregnant. It threatens their health, the health of their unborn children and may pose a potential liability for those engaged in child care business. Thank you for this opportunity to submit my testimony on this important bill.

Shelly Meyer, RN,C.  
Child Care Health Consultant

*The Montana Nurse Association (MNA) is the state professional association for registered nurses. Our mission is to promote professional nursing practice, education and standards; represent professional nurses; and provide nursing leadership in promoting high quality health care. MNA joins with other professional associations and organizations on specific issues to support legislation that strengthens the quality of health care provided to Montana's citizens, and protects consumer health and safety.*

\*American Academy Of Pediatrics, American Public Health Association, and National Resource Center for Health and Safety in Child Care (2002). *Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care Programs*, 2nd edition. Elk Grove Village, IL: American Academy of Pediatrics and Washington, DC: American Public Health Association. Also available at <http://nrc.uchsc.edu>.